

REMARKS

Claims 1 to 39, 44 to 51 and 53 are pending in this application. By the present amendment, the title of the invention is: "Method for Manufacture of a Liquid Delivery Container," which is clearly indicative of the claimed invention. No new matter has been added.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1 to 15, 17, 19 to 21, 27, 28, 30 to 35, 44, 48 to 51 and 53 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Embleton *et al.* (WO 96/06581 A1). Applicant respectfully disagrees.

The invention, as defined by claims 1 to 15, 17, 19 to 21, 27, 28, 30 to 35, 44, 48 to 51 and 53, distinguishes over Embleton *et al.* by claiming methods for the manufacture of a container containing liquid, in which a front wall forms a cavity in the form of a vessel with an opening connecting the vessel with the front wall surface; liquid is introduced into the vessel cavity; and a flat or single-curved rear wall film is attached and adhered to the vessel cavity open part to enclose the liquid in the container.

Attention is directed to the specification at page 5, beginning at line 13, wherein the term "single-curved" is described as "any form of a plane or surface obtainable from the same plane in flat form, without stretching or shrinking any part thereof in any direction within the plane, i.e., with maintained total surface for both the whole plane and any part thereof."

In contrast, the specification describes a "double-curved" plane or surface as one that can only be obtained from a flat plane if deformed by stretching or shrinking.

As further set out in the specification, non-limiting examples of single-curved shapes include a cylinder surface or a corrugated surface as they can be formed from a non-elastic sheet, e.g., paper sheet, by pure bending whereas the surface of a sphere or saddle cannot be so formed without stretching and, accordingly, these shapes are double-curved.

Embleton *et al.* does not disclose any such containers or methods for their manufacture. Instead, this publication discloses an ocular treatment device which has a "double-dome" construction. Such containers are described as having a lower part (206) and an upper part (208) and are bonded where they contact one another to seal the enclosure at the junction there between (see page 15, lines 10 to 21 and Figures 11 to 13). Thus, Embleton *et al.* discloses containers having a rear wall that is dome-shaped, and therefore, is double-curved.

Anticipation under 35 U.S.C. 102, requires that each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference, In re Robertson, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). In view of the failure of Embleton *et al.* to disclose containers or methods for their manufacture, having a flat or single-curved rear wall as required by the claims, this publication does not disclose each and every element as set forth in the claims. Thus, Embleton *et al.* does not anticipate claims 1 to 15, 17, 19 to 21, 27, 28, 30 to

35, 44, 48 to 51 and 53 under 35 U.S.C. §102(b). Applicant respectfully requests reconsideration and removal of this rejection.

CLAIM REJECTION UNDER 35 U.S.C. §103

Claims 16, 36 to 39, 46 and 47 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Embleton *et al.* (WO 96/06581 A1). Applicant respectfully disagrees.

The invention, as defined by claims 16, 36 to 39, 46 and 47, distinguishes over Embleton *et al.* by claiming methods for the manufacture of a container containing liquid, in which a front wall forms a cavity in the form of a vessel with an opening connecting the vessel with the front wall surface; liquid is introduced into the vessel cavity; and a flat or single-curved rear wall film is attached and adhered to the vessel cavity open part to enclose the liquid in the container.

As explained above, attention is directed to the specification at page 5, beginning at line 13, wherein the terms “single-curved” and “double-curved” are described.

Embleton *et al.* does not teach or suggest any such containers or methods for their manufacture. Instead, this publication teaches an ocular treatment device which has a “double-dome” construction. Such containers are described as having a lower part (206) and an upper part (208) and are bonded where they contact one another to seal the enclosure at the junction there between (see page 15, lines 10 to 21 and Figures 11 to 13). Thus, the Embleton *et al.* teaches containers having a rear wall that is dome-shaped, and therefore, is double-curved. Moreover, Applicants cannot find any teaching or suggestion in Embleton *et al.* for modifying any of the teachings set forth therein to arrive at the instantly claimed methods. Absent a teaching or suggestion in the prior art, it would not have been obvious for one of skill in the art to do what Applicants now claim.

Eisele *et al.* (US 5,622,166 A) does not cure the defects of Embleton *et al.* because this patent does not teach or suggest any methods for the manufacture of a liquid container which has a flat or single-curved rear wall which is displaceable or deformable for movement towards the opening in the front wall to pressurize the container liquid as required by the claims. Instead, this patent teaches a powder storage and delivery system for a drug powder inhaler, which uses an exterior tab carrier disk design having a blister shell (54) which contains the drug powder (62), and which is heat sealed (58) to a shear layer (56) and to a disk carrier (60) wherein movement of an actuator (80) causes the shear layer (56) to shear and tear away from the blister shell (54), thereby opening the blister (36) and releasing the drug powder (62).

Casper *et al.* (US 5,415,162 A) does not cure the defects of Embleton *et al.* because this patent does not teach or suggest any methods for the manufacture of a liquid container which has a flat or single-curved rear wall which is displaceable or deformable for movement towards the opening in the front wall to pressurize the container liquid as required by the claims. Instead, this patent teaches a multi-dose dry powder inhalation device, which uses a blister strip of sealed

containers (20) which contain dry powder compound or medicament, and which is sufficiently flexible to be rolled from an initially flat configuration into a cylindrical configuration, and is capable of being penetrated by a button-actuated piercing mechanism (18) for release of the powder.

Bergerioux (US 2,208,744) does not cure the defects of Embleton *et al.* because this patent does not teach or suggest any methods for the manufacture of a liquid container which has a flat or single-curved rear wall. Instead, this patent teaches containers having permanent portions and deformable flexible diaphragms for dispensing materials. In the various embodiments, the diaphragm (3) has a starting configuration "a" conforming to the inner surface of the permanent wall (1), i.e., has a "double-curved" shape. In a second step, the diaphragm is deformed, by use of tools or by filling of the container, into a second configuration (b), which may take different shapes as illustrated in the figures, but all are able to return to the starting configuration (a) for the purpose of emptying the container. The ability to return to the start configuration means that the diaphragm in the second configuration (b) is not single-curved and, that the diaphragm returns to the start configuration (a) without stretching.

Nor does McGill *et al.* (US 5,893,485) cure the defects of Embleton *et al.* because this patent does not teach or suggest any methods for the manufacture of a liquid container which has a flat or single-curved rear wall. Instead, this patent teaches dispensing mechanisms and containers thereof, for dispensing viscous or semi-solid food products such as ice cream or chilled confectionery products, in which the top part of the container is formed with sheet material having undulations which deform to adopt the shape of the internal wall of the base part of the container and therefore, is double-curved.

CONCLUSION

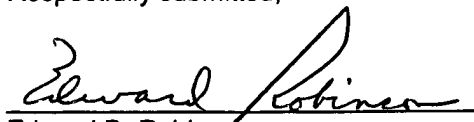
Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiner's satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

A petition for a one-month extension of time pursuant to 37 C.F.R. §1.136(a) accompanies this Amendment. If any fees other than those submitted herewith are due in connection with this response, including the fee for any other required extension of time (for which Applicants hereby petition), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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